

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 4, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer; Jeff Staub, Dauphin Engineering, and Dave Weihbrecht, Alpha Consulting Engineers.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the July 17, 2007 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

Mr. Arthur Frank, 4447 Venus Drive, noted that he and his wife spend a lot of time on the road due to their business. He noted that he wanted to comment on the approval for the Charlie B's Restaurant. He explained that his property adjoins close to the Pinnacle Health building, and his tree line was torn out two years ago by the contractor. He noted that he hopes that this does not happen for the new development as he would not want those residents to go through the same problems that he is experiencing.

Mr. Frank explained that he has observed illicit rendezvous in the overflow parking from the Pinnacle Health building. He noted that the neighbors have also complained that the parking lot is used for indiscriminate use. He suggested that this will become a real issue if that parking lot is used for overflow parking from the restaurant and bar. He noted that his barrier was removed and it has been a nightmare for him and his wife for the past two years. He noted that he is still in litigation over the removal of the tree line from his property.

Mr. Crissman noted that staff has met with the developers and the residents from the area. He explained that Doctor Henken is very much involved in this situation. Mr. Frank noted that he was never notified of the meetings. Mr. Crissman explained that the neighbors initiated the meeting; therefore, the notification would not have come from the Township. He suggested that Mr. Frank should make contact with Dr. Henken to find out what is going on.

Mr. Frank noted that there are street lights located in the parking lot, but only one light is used at night at this time. Mr. Crissman suggested that Mr. Frank should address these issues with Dr. Henken.

Mr. Seeds explained that the Board members would address the improvement guarantees near the end of the meeting, and one is a request for a reduction in an improvement guarantee from Pinnacle Health. He explained that the remaining funds are for trees to create a buffer from the homes.

Mr. Seeds suggested if the streetlights are not being used, that Mr. Arthur should stop at the Pinnacle Health Center and make them aware of what is going on in their parking lot after hours. Mr. Seeds also suggested that the Police Department could provide extra patrols for this area.

Mr. Seeds noted that the developer met the requirements of the ordinances to receive permission to develop the land.

Chairman & Board Members' Comments

No comment was provided.

Manager's Report

Mr. Wolfe noted that next Tuesday night, the Board of Supervisor's Workshop meeting will start one half hour later, at 8 p.m., in order for the Board members to attend the 911 commemorative events sponsored by the Linglestown Fire Company. He noted that the event will take place at the Linglestown Fire Company along Linglestown Road, and the ceremony is scheduled to begin at 6:30 p.m. He noted that the community is invited and encouraged to attend.

Mr. Wolfe explained that the Friendship Center opened on Monday morning after a week of scheduled maintenance and cleaning. He thanked the members for their patience while the center was closed. He reported that the pool was drained, cleaned and refilled, floors were stripped and clean, carpets were cleaned, walls were painted, and maintenance work was completed on the HVAC system. He stated that he hoped the members would find a very nice and clean building when they return this week.

Mr. Wolfe noted that the trash collection services, for this week only, will be delayed one day due to the Labor Day Holiday.

Mr. Wolfe noted that the newly revised Home Page for the website offers a wide variety of information about the Township, and the Community. He noted that the posting of all Board meeting minutes, as well as agenda's for upcoming meetings, and various other Committee meetings are also included. He invited the residents of Lower Paxton Township to visit the website at www.lowerpaxton-pa.gov.

**Proclamation 2007-02
Youth Soccer Month**

Mr. Hawk invited Bob Weidner to join him at the podium as he read from Proclamation 2007-02 where the Township proclaimed September as Youth Soccer Month in the Township. The other members of the Board joined Mr. Hawk in thanking Mr. Weidner for his hard work with the Capital Area Soccer Association (CASA).

Mr. Weidner thanked the Board members for this honor on behalf of the 200 registrants involved in CASA. He noted that the proclamation will be displayed in the CASA office.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Authorization to participate in the Urban County designation for the
Dauphin County CDBG Program

Mr. Wolfe explained that the Dauphin County Commissioners requested Lower Paxton Township to participate in the Dauphin County Urban County Designation for the Federal Community Development Block Grant (CDBG) Program. He noted that in doing so, the Township would be eligible to apply to Dauphin County for a portion of its CDBG funds. He noted that, in the past, the Township received numerous grants; three for the Friendship Senior Center, Curb Cut Ramps for two neighborhoods, and several others as well. He noted that the Township recently applied for a grant for the Winfield Street Storm Sewer Project.

Mr. Wolfe explained that if the Township opts into the program, it could continue to apply for grant funds, but if the Township chooses to opt out, then the Township must apply, individually, to the Commonwealth of Pennsylvania for a State portion of the CDBG program.

Mr. Wolfe explained that three years ago, the Township decided to participate in the County Urban Program, and he noted that it is staff's recommendation to again, choose to opt into the County's program to accept the Urban designation and continue to apply to Dauphin

County for CDBG funds, as opposed to opting out and applying to the Commonwealth for a portion of state-wide funds.

Mr. Crissman moved to authorize the Township to participate in the Urban County designation for the Dauphin County CDBG Program. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 07-37; amending the right-of-way plan for the Linglestown Square Project

Mr. Hawk noted that the Board previously approved Resolution 2007-12, approving the Right-of-Way Plan for the Linglestown Square Project, however, there have been eight amendments made to the plan. He explained that the Board must act on this resolution to approve the eight amendments.

Mr. Wolfe explained that these are minor amendments that have been made as a result of the property acquisition process. He noted that the full set of Right-of-Way Plans is 44 sheets in length, and pages 2, 4, 7, 15, 16, 18, 23, 42 have been amended. He noted that the specific details have been highlighted in red, and in the right-hand corner for each sheet, the amendments are also detailed in red. He noted that the amendments are minor in nature and further define the properties for acquisitions. He explained that the amendments have been prepared by Arora and Associates, and have been approved by staff, Mr. Stine, Township Attorney, and Mark Levine, Special Legal Counsel. He noted, if approved, the amendments will be forwarded to PENNDOT.

Mr. Crissman moved to approved Resolution 2007-37; amending the Right-of-Way Plan for the Linglestown Square Project. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Action on bids for roadway reclamation and repaving of Conway Road

Mr. Wolfe explained that the Board's packet includes a memorandum from Herbert, Rowland and Grubic, Inc, (HRG) indicating the bid tabulation to provide roadway reclamation for Conway Road. He noted that two bids were received; one from Kinsley Construction in the amount of \$401,422 for the base bid and the alternative, noting the base bid for the reclamation of Conway Road was \$307,835.00. He explained that the second bid was made by Hempt Brothers in the amount of \$430,425.47 for the base only and \$548,901.78 for the base and alternative bids.

Mr. Wolfe noted that it was staff's recommendation that the Board accept the base bid only as submitted by Kinsley Construction in the amount of \$307,835,00 and not accept the alternate bid for the Grove Road work. He noted that the bid is complete and ready for Board action.

Mr. Seeds questioned if the Conway Road reclamation would be from Union Deposit Road to the entrance to the compost facility. Mr. Wolfe answered that is correct, and it would be full depth reclamation, noting that the present materials would be ground up to form a new base, and a new base and wearing bituminous surface would be added.

Mr. Seeds questioned if the Grove Road work would be for the full length from Union Deposit Road. Mr. Wolfe noted that the Grove Road project would entail the area from Union Deposit Road, several hundred feet to the top of the hill, and it was staff's recommendation not to perform full reclamation on that road at this time. Mr. Seeds questioned the reason for this. Mr. Wolfe answered that it was due to overall budget considerations. Mr. Wolfe noted that he expects to do an overlay on Grove Road that would provide an extended use for the road, with a re-look at paving in five to seven years. Mr. Seeds noted that the portion of Grove Road near Union Deposit Road is in bad shape. Mr. Wolfe noted that a wearing surface would be added to Grove Road this year.

Mr. Blain moved to approve action on the bid to Kinsley Construction in the amount of \$307,835.00 for the reclamation and repaving of Conway Road. Mr. Crissman seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final subdivision plan for Brown Farm

Ms. Moran explained that the purpose of this plan is to separate an existing dwelling and undeveloped land (Lot #2) from residual Lot 1. The tract consists of 47.08 acres, is located at 6370 Lyters Lane, is zoned R-1, Low Density Residential District, and will be served by private water and public sewer. He noted that the purpose of the plan is to create one building lot which is indicated in the lower right hand corner of the plan.

Ms. Moran noted on June 13, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments. The approval was also subject to providing a note on the plan that, in the event of future subdivision and /or development of Lot #1, all improvements waived by this action will be made along the frontage of both Lots #1 and #2.

Ms. Moran noted that the plan includes the following four waivers that are supported by staff: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum cartway width requirement of thirty-six (36) feet; 3) Waiver of the requirement to provide sidewalk and curbing along Lyters Lane; and 4) Waiver of the requirement to provide a storm water management plan.

Ms. Moran noted that Mr. Dave Weihbrecht is present to represent the plan.

Mr. Seeds noted that the Planning Commission had a request that a note be added to state if Lot One is developed the improvements for curbing be extended into Lot Two. He questioned if that would include the south side of Lyters Lane that is also part of Lot Two. Ms. Moran

answered that she did not attend that Planning Commission meeting, but stated that that is how she interpreted the statement. Mr. Weihbrecht noted that that was the intent of the Planning Commission.

Mr. Weihbrecht noted that this plan is a minor three-lot subdivision. He noted that Lot Two is already subdivided by Lyters Lane. He noted that the owner of the property has moved from the area and someone wants to purchase only the house, pool, and barn, therefore the need for the subdivision. He suggested that at some time, the remaining piece of land would be developed but there are no plans for it at this time. He noted that the owner requested a non-building waiver that would mean when a plan is developed for the remaining 43 acres; it would need to go through a sewage facilities plan. He noted that as the plan is recorded, it would show that the remaining 43 acres are a non-building lot.

Mr. Crissman questioned Mr. Weihbrecht if he was in agreement with providing a note on the plan that, in the event of future subdivision and /or development of Lot #1, all improvements waived by this action would be made along the frontage for both sides of Lots #1 and #2. Mr. Weihbrecht noted that he apologized for this as he thought he had already added the note to the plan. Mr. Crissman noted that Mr. Weihbrecht is in acceptance for the four waivers as he requested them and staff is in support of them. Mr. Crissman noted that the one site specific comment addresses the five comments from HRG, Inc. dated August 17, 2007, and he questioned Mr. Weihbrecht if he was in agreement with those comments. Mr. Weihbrecht answered that he was in agreement with the five comments. Mr. Crissman questioned Mr. Weihbrecht if he was in agreement with the five general conditions. Mr. Weihbrecht answered that he was.

Mr. Crissman made a motion to approve the preliminary/final subdivision plan 2007-10 for Brown Farm with the following waivers, and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the minimum cartway width requirement of thirty-six

(36) feet; 3) Waiver of the requirement to provide sidewalk and curbing along Lyters Lane; 4) Waiver of the requirement to provide a storm water management plan, 5) A note will be placed on the plan that in the event of a future subdivision or development request for Lot 1 is requested, all improvements waived by this action will be made along both sides of the frontage for Lots 1 and 2; 6) Plan approval shall be subject to addressing HRG's five comments dated August 17, 2007; 7) Plan approval shall be subject to providing original seals and signatures; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 10) Plan approval shall be subject to the payment of fee-in-lieu for one lot at \$2,300.00 per lot; and 11) Plan approval shall be subject to payment of the engineer review fees. Mr. Blain seconded the motion.

Mr. Seeds noted that the reason the plan was tabled at the last meeting was because no one was present to represent the plan. Mr. Weihbrecht apologized, noting that an unforeseen event came up suddenly that kept him from attending the meeting.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final land development plan for Lot 5D, Sir Thomas Court

Ms. Moran noted that the plan proposes the construction of a two-story (14,988 square feet) medical office building and parking on Sir Thomas Court. The property consists of 2.9983 acres, is zoned BC, Business Campus District, and will be served by public sewer and public water. The property is located on the west side of Sir Thomas Court just north of the intersection of Londonderry Road and Sir Thomas Court.

Ms. Moran noted that on July 11, 2007 the Planning Commission recommended approval of the plan and the waiver request. She noted on August 30, 2007, the Lower Paxton Township

Zoning Hearing Board granted a variance permitting a building height of 40 feet and side yard setback of 32 feet.

Ms. Moran noted that the applicant requested a waiver of the preliminary plan requirement, and staff and HRG's comments are included in the packet. She noted that Mr. Jeff Staub, Dauphin Engineering, is present to represent the plan.

Mr. Seeds noted that he was pleased to see that the wearing course has been paved on Sir Thomas Court. He stated that they did a good job.

Mr. Staub noted that it is a very straight-forward plan, with the construction of a two-story medical office building, roughly 15,000 square feet. He noted that this is the eighth lot to be developed in Sir Thomas Court, with two lots remaining. He noted that he forwarded a revised plan to the Township, and all comments have been addressed. He explained that he is waiting for Erosion and Sedimentation approval from the Conservation District, and the Sewer Authority needs to add this plan to the revised sanitary sewer drawings.

Mr. Crissman questioned Mr. Staub if he was in agreement with the one waiver request and seven general conditions to include the Mr. Snyder's six comments from HRG's memo dated August 17, 2007. Mr. Staub answered that he was in agreement to this. Mr. Crissman questioned if Mr. Staub was in agreement to the two staff comments. Mr. Staub answered that he was.

Mr. Crissman made a motion to approve the preliminary /final land development plan 2007-16, for a New Medical Office Building, Lot 5D, Sir Thomas Court with the following waiver and conditions: 1) Waiver of the preliminary plan requirement; 2) Plan approval shall be subject to providing original seals and signatures on the plan; 3) Plan approval shall be subject to the payment of the engineering review fees; 4) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the Lower Paxton Township Sewer Authority's review and approval

of the sanitary sewer design; 6) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 7) Plan approval shall be subject to addressing the six comments of Jim Snyder, HRG's memo dated August 17, 2007; 8) A street/storm sewer permit is required for construction of storm water facilities; and 9) All signage must meet the requirement of the Zoning Ordinance. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-36; Planning module for the Harrisburg Foot and Ankle land development plan

Mr. Blain made a motion to approve Resolution 2007-36, the Planning Module for the Harrisburg Foot and Ankle land development plan. Mr. Crissman seconded the motion, and Mr. Hawk called for a voice vote; and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were three improvement guarantees for consideration.

Anderson and Gulotta Holding Company

A reduction in a letter of credit with Anderson and Gulotta Holding Group, LLC. in the amount of \$1,925.00 with an expiration date of March 29, 2008.

Community General Osteopathic Hospital (ExMod)

A reduction in a letter of credit with Wachovia Bank in the amount of \$13,640.00 with an expiration date of June 30, 2008.

Pinnacle Family Medical Center

A reduction in a letter of credit with Vartan National Bank in the amount of \$1,650.00 with an expiration date of July 26, 2008.

Mr. Blain made a motion to approve the three listed improvement guarantee. Mr. Crissman seconded the motion, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8: 15 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary